

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

NO. 4

GOVERNMENT OF GOA

Department of Panchayat Raj & Community
Development

Directorate of Panchayats

Notification

7/DP/GP/ELECT/S & DS/96

Whereas the draft of the Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 591 to 594 of the Official Gazette, Extraordinary No. 3, Series I, No. 41 dated 9-1-1997, under Notification No. 7/DP/GP/ELECT/S/ & DS/ 96 dated 7-1-1997, of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 9th January, 1997;

And whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 46 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

CHAPTER - I

Preliminary

1. *Short title and commencement.*—(1) These rules may be called the Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Election” means an election to elect a Sarpanch and/or Deputy Sarpanch of a Panchayat;

(c) “Presiding Officer” means and includes the Officer appointed by the Director for the purpose;

(d) “Section” means a section of the Act;

(e) Words and phrases used but not defined herein shall have the same meanings as respectively assigned to them in the Act.

CHAPTER—II

Election

3. *Meeting for election of Sarpanch and/or Deputy Sarpanch.*— The election of Sarpanch and/or Deputy Sarpanch of a Panchayat shall be held in the Office of the Panchayat at a meeting of the members of the Panchayat specially convened for the purpose by the Government and presided over by the Presiding Officer as specified by the Government in this behalf.

4. *Date of meeting.*— On being informed of the date fixed for the first meeting of the Panchayat under sub-section (1) of section 46 of the Act, the Presiding Officer appointed for the purpose shall fix the hour of the meeting and communicate it to the Panchayat members and the Secretary of the Panchayat.

5. *Notice of meeting.*— (1) The Presiding Officer shall give to the Panchayat members and the Secretary of the Panchayat three clear days notice of the meeting referred to in rule 4.

The said notice shall state—

- (a) the place and date on which and the hours between which the nomination papers shall be filed;
- (b) the place and date on which and the hours between which the nomination papers shall be taken up for scrutiny;
- (c) the place and the date on which and the hours between which a validly nominated candidate may withdraw his candidature; and
- (d) the place and date on which and the hours between which a poll shall be taken, should it be required.

(2) The notice shall be, if practicable, served by the Secretary of the Panchayat personally by delivering or tendering it to the member to whom it is addressed or if such member is not found, by leaving it at his last known place of residence or business or by giving or tendering the notice to some adult member or servant of his family. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed in some conspicuous part of the building in which the member ordinarily resides or carries on business. Such notice shall also be exhibited by affixing it on the notice board of the Panchayat.

6. *Filing of nomination.*—(1) The nomination of every candidate for the post of Sarpanch and/or Deputy Sarpanch shall be made before the Presiding Officer by means of a nomination paper in the form as specified in FORM I hereto.

(2) Every nomination paper shall be signed by two members as proposer and seconder respectively and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) Each candidate shall be nominated by a separate nomination paper.

(4) Every nomination shall be presented to the Presiding Officer by the candidate or his proposer or seconder on the date, at the place and during the hours specified in the notice for filing nomination papers.

(5) Immediately after the date and time for receipt of nomination papers is over, the Presiding Officer shall publish a list in the form as specified in FORM II hereto, containing the names of the candidates whose nominations have been received under the preceding sub-rule.

7. *Scrutiny of nomination papers.*—(1) On the date appointed for the scrutiny of nominations, the candidate, his proposer and seconder may attend at such place and time as is specified in the notice, for the scrutiny of nomination papers and the Presiding Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Presiding Officer shall then examine the nomination papers and shall decide all objections which may be made at that time to any nomination and may, either on such objection, or on his own motion and after such enquiry, if any, as he may deem necessary,

reject any nomination on any one or more of the following grounds, namely:—

- (a) that the candidate is not eligible for election as Sarpanch and/or Deputy Sarpanch under the provisions of the Act;
- (b) that the candidate is disqualified for being a member or for being chosen as a member of Village Panchayat or as a Sarpanch or as a Deputy Sarpanch, as the case may be, by competent authority or by competent court of law;
- (c) that the candidate is restrained by an order of a competent authority or a competent court of law for being chosen as a member or as Sarpanch or Deputy Sarpanch, as the case may be;
- (d) that the proposer or seconder, as the case may be, is a person who is not a member of the Panchayat;
- (e) that the proposer or seconder is restrained by an order of a competent authority or a competent court of law from voting;

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder, or of any other particulars relating to the candidate, or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, can otherwise be established beyond reasonable doubt.

(3) The Presiding Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

8. *Public of the list of nominated candidates.*— The Presiding Officer shall, before the time fixed for the meeting for election, cause to be published a list containing the name of the validly nominated candidates in the form as specified in FORM III hereto, by affixing it on the Notice Board of the Panchayat.

9. *Withdrawal of candidature.*— A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Officer within the time limit as specified in clause (c) of sub-rule (1) of rule 5. The notice of withdrawal shall be as specified in FORM IV hereto.

10. *Procedure after publication of the list of validly nominated candidates.*— (1) If, there remain after withdrawal, only one duly nominated candidate, there shall be no voting and such candidate shall be declared to have been duly elected as the Sarpanch and or Deputy Sarpanch of the Panchayat, as the case may be.

(2) If there are two or more such candidates, an election shall be held by secret Ballot and votes of the members present at the meeting shall be taken.

11. *Voting and result of election.*— (1) The Presiding Officer shall cause such arrangements to be made so as to ensure the secrecy of the ballot, referred to in sub-rule (2) of rule 10.

(2) Every member wishing to vote shall be supplied with a ballot paper duly authenticated by the seal and signature of the Presiding

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Officer, on which names of duly nominated candidates as per rule 8 above shall be printed/typed, cyclostyled or legibly written in English or Devnagari script in the alphabetical order of their names as in Roman script in the form as specified in FORM V hereto.

(3) Every member shall place a cross mark (x) in column (2) of the ballot paper against the name of candidate for whom he wishes to vote, with a pencil of any colour:

Provided that if a member is illiterate or unable to vote in the above manner on account of illiteracy, the Presiding Officer shall, at the request of such member, make the mark on the ballot paper according to the directions of such member;

(4) The member shall then fold up the Ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Officer or hand over the same to the Presiding Officer;

(5) Every member wishing to record his vote shall do so in person and not by proxy;

(6) The Presiding Officer shall, after the voting is over,—

(a) count the votes in the presence of such members as may be present and declare the candidate securing the largest number of valid votes to have been elected;

(b) in the event there is an equality of votes between the candidates, draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

12. *Validity of the ballot paper.*— Any ballot paper which bears any mark or signature of any of the voting member by which the voter may be identified or on which the mark (x) is placed against more than one name or in an ambiguous manner or which does not bear the Official seal and signature referred to in sub-rule (2) of rule 11, shall be invalid.

13. *Preparation of record of proceedings and publication of result of election.*— Immediately after the meeting for election, the Presiding Officer shall,—

(a) prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) publish on the notice board of the Panchayat, a notification signed by him stating the name of the person elected as Sarpanch and or Deputy Sarpanch, as the case may be and send a copy of such notification in duplicate to the Director. Such Notification shall be in the form as specified in FORM VI hereto.

(c) The Director shall arrange to publish the names of Sarpanchas and/or Deputy Sarpanchas in the Official Gazette.

14. *Packing and preservation of election record.*— (1) The Presiding Officer shall then make packets of the ballot papers and other papers relating to the election, seal up the packets and

note thereon a description of the contents, the election to which they relate and the date thereof, and send the same to the Director.

(2) The packets shall be retained in safe custody in the office of the Director for a period of one year and shall then, unless otherwise directed by a competent authority or Court, be destroyed.

15. *Adjourned meeting.*— If, at a meeting called for the election of a Sarpanch and/or Deputy Sarpanch, as the case may be, no Sarpanch and or Deputy Sarpanch is elected for any reason whatsoever, the Presiding Officer shall adjourn the same to another date to be notified by the Government in due course.

16. *Dispute regarding election.*— (1) In the event of a dispute arising as to the validity of the election of the Sarpanch and/or the Deputy Sarpanch, as the case may be, the dispute shall be referred to such authority as may be specified by the Government under sub-section (5) of section 46 of the Act and the decision of such authority thereon shall be final:

Provided that no such reference shall be entertained by the specified authority, if the same is not filed in the form of an election petition duly verified by the Petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The specified authority, in deciding a reference under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding election petitions under the provisions of the Act.

(3) An order passed under this rule shall be final and conclusive as to the dispute referred to in sub-rule (1).

FORM - I

[See sub-rule (1) of rule (6)]

Nomination form for Election as *Sarpanch/*Deputy Sarpanch

(1) Name of the Panchayat	_____
(2) Full name of the candidate	_____
(3) Father's or Husband's name	_____
(4) Age	_____
(5) Sex	_____
(6) Address	_____
(7) Full name and address of the proposer	_____
(8) Full name and address of the seconder	_____
(1) Signature of the proposer	(2) Signature of the seconder
Date: _____	Date: _____
Place: _____	Place: _____

CANDIDATE'S DECLARATION

FORM - III

I, the above named candidate, give my consent to this nomination.

(See rule 8)

Date:

Signature of the candidate

Place:

ENDORSEMENT BY THE PRESIDING OFFICER

Serial Number

This nomination paper was presented to me by
 (name) at (hour)
 (on) (date). Decision of Presiding Officer. Accepted/
 /Rejected (If rejected, give reasons).

Date:

Place:

Signature of the Presiding
Officer.

Serial No.

Received nomination paper of Shri/Smt.
 for election as *Sarpanch/*Deputy Sarpanch of Village Panchayat,
 proposed and seconded by (1) and
 (2) respectively, which was presented
 to me at (place) at
 (time) this day of 19..... by Shri

Signature of the Presiding
Officer

* Strike out whichever is inapplicable.

FORM - II

[See rule 6 (5)]

List of candidates proposed for nomination of election as
 *Sarpanch/*Deputy Sarpanch of Village Panchayat.

Sr. No.	Name of candidate	Address of candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			

Date:

place:

Signature of the Presiding
Officer

List of candidates validly nominated for election as *Sarpanch/
 *Deputy Sarpanch of Village Panchayat.

Sr. No.	Name of candidate	Address of candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date:

place:

Signature of the Presiding
Officer

* Strike out whichever is inapplicable.

FORM - IV

NOTICE OF WITHDRAWAL

(See rule 9)

Election to the of Panchayat

To,

The Presiding Officer

..... Village Panchayat

Sub:— Withdrawal of candidature

Sir,

I, the undersigned, Shri,
 a candidate validly nominated for the post of *Sarpanch/*Deputy
 Sarpanch of Panchayat, do hereby
 give notice that I withdraw my candidature.

Yours faithfully,

Place:

Date:

Signature of the candidate

This notice was delivered to me at (hours) on
 (date) by (name)
 the candidate.

Date:

Signature of Presiding
Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

FORM - VI

(To be handed over to the person delivering the notice)

[See rule 13 (b)]

The notice of withdrawal of candidature by
a candidate at the election to the
was delivered to me by the at
(hours) on (date).

In pursuance of powers conferred by clause (b) of rule 13 of the Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997, I, the Presiding Officer, do hereby declare that the persons specified in columns (2) and (3) of the Schedule below are duly elected as Sarpanch and Deputy Sarpanch of the Village Panchayat mentioned in the corresponding entry in column (1) of the said Schedule.

Signature of the Presiding Officer

SCHEDULE

*Strike out whichever is inapplicable.

Name of Village Panchayat	Name of Sarpanch and his address	Name of Deputy Sarpanch and his address
(1)	(2)	(3)

FORM - V

[See rule 11 (2)]

Ballot paper

Village Panchayat

Signature and seal of the Presiding Officer

Sr. No.	Name of the candidate with the name of father or husband and residence	For mark (X) by Voter
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____

Place:

Date:

Presiding Officer

Copy to the Director of Panchayats, Panaji.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 10th March, 1997.